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Patent

Case No.: 58934US002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: LU, DAVID D.

Application No.: 10/645020 Group Art Unit: 1756

Filed: August 21, 2003 Examiner: Barreca, Nicole M.

Title: PHOTOTOOL COATING

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR § 1.8(a)]

I hereby certify that this correspondence is being:

- deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at 571-273-8300.

Oct. 26, 2005

Melanie Gover

Date Signed by:

Dear Sir:

This is in response to the Office Action mailed October 4, 2005. Claims 1-25 are pending.

Claims 1-25 were restricted under 35 USC § 121 as follows:

- I. Claims 1-15 are said to be drawn to a patterning method, classified in Class 430, subclass 322;
- II. Claims 16-25 are said to be drawn to an article comprising a phototool, classified in Class 430, subclass 5.

Election

In response, Applicants elect Group 16-25, with traverse.

Reconsideration and withdrawal or modification of the restriction requirement is respectfully requested.

In Group II, Applicants broadly claim an article comprising a phototool.

The Restriction Requirement in Paragraph 2 states: Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP §806.05(h)). In the instant case the product as

claimed can be used in a materially different process of using that product such as proximity or projection exposure.

Applicants submit that the Groups I and II claims are so interrelated that a search of one group of claims will reveal art to the other. Moreover, the classification of Groups I and II claims in different classes and subclasses is not necessarily sufficient grounds to require restriction.

Were restriction to be effected between the claims in Groups I and II, a separate examination of the claims in Groups I and II would require substantial duplication of work on the part of the U.S. Patent and Trademark Office. Even though some additional consideration would be necessary, the scope of analysis of novelty of all the claims of Groups I and II would have to be as rigorous as when only the claims of Group II were being considered by themselves. Clearly, this duplication of effort would not be warranted where these claims of different categories are so interrelated. Further, Applicants submit that for restriction to be effected between the claims in Groups I and II, it would place an undue burden by requiring payment of a separate filing fee for examination of the nonelected claims, as well as the added costs associated with prosecuting two applications and maintaining two patents.

Conclusion

Applicants have elected Group 16-25. Continued prosecution of this application is respectfully requested.

It is believed that no fee is due; however, in the event a fee is required, please charge the fee to Deposit Account No. 13-3723. The Examiner is invited to contact the undersigned at the indicated telephone number with questions that can be resolved with a simple teleconference.

Respectfully submitted,

October 26, 2005

Date

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